

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LELAND T. TAYLOR,

Plaintiff,

v.

CV 20-0267 JB/JHR

MICHELLE LUJAN GRISHAM, et al.,

Defendants.

PROPOSED FINDINGS AND RECOMMEND DISPOSITION

THIS MATTER comes before the Court on Defendant Lujan Grisham's Motion for Summary Judgment No. I: Dismissal Based on Lack of Personal Participation [Doc. 48], filed June 22, 2020. Pursuant to 28 U.S.C. §636(b), presiding District Judge James O. Browning referred this case to me "to conduct hearings, if warranted, including evidentiary hearings, and to perform any legal analysis required to recommend to the Court an ultimate disposition of the case." [Doc. 16]. Having reviewed the Motion and the relevant law, I recommend the Motion be DENIED.

The Motion seeks dismissal of all of Plaintiff's § 1983 claims against Defendant Grisham. As noted in my Proposed Findings and Recommended Disposition filed concurrently, the Court should dismiss all of Plaintiff's claims for monetary damages against Defendant Grisham with prejudice pursuant to Defendant Grisham's Motion for Summary Judgment No. 2: Dismissal of Plaintiff's First, Second, Fourth, Tenth, and Fourteenth Amendment Claims Based on Qualified Immunity. [Doc. 60]. However, Defendant provides no specific legal basis for dismissing Plaintiff's claims for other requested relief, for example, injunctive relief. For these reasons, I recommend denying Defendant's request to dismiss all of Plaintiff's § 1983 claims against Defendant Grisham.

For the foregoing reasons, I recommend this motion be DENIED.


JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition, they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1).

A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.